

REMARKS

In the non-final Office Action, the Examiner rejects claim 11 under the judicially created doctrine of obviousness-type double patenting in view of U.S. Patent 6,512, 818 to Donovan et al.; rejects claims 23-26 under 35 U.S.C. § 101 as directed to non-statutory subject matter; and allows claims 1-10 and 17-22.

By way of the present Amendment, Applicants have amended claims 23-26 to improve form. No new matter has been added. Claims 1-26 remain pending. The rejections are traversed.¹

Claim 11 stands rejected under the judicially created doctrine of obviousness-type double patenting in view of U.S. Patent 6,512, 818 to Donovan et al. While not acquiescing in this rejection, but merely to expedite prosecution, Applicants submit a Terminal Disclaimer herewith to overcome the double patenting rejection. Accordingly, Applicants respectfully request withdrawal of this rejection and allowance of claims 11-16.

Claims 23-26 stand rejected under 35 U.S.C. § 101, as allegedly being directed towards non-statutory subject matter. Claims 23-26 have been amended to recite a "computer-readable memory device," which directs these claims to statutory subject matter and overcomes this rejection. Accordingly, Applicants respectfully request withdrawal of this rejection and allowance of claims 23-26.

¹ As Applicants' amendments with respect to the Examiner's rejection and Terminal Disclaimer filed herein are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: December 14, 2007

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